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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/343,958	06/30/1999	SERGE JEAN MAURICE MISTER	0500.9904131	8512

23418 7590 01/05/2007		EXAMINER
VEDDER PRICE KAUFMAN & KAMMHOLZ		ZAND, KAMBIZ
222 N. LASALLE STREET		
CHICAGO, IL 60601	ART UNIT	PAPER NUMBER
	2132	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>20 November 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-43</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) <u>10-15, 24-29 and 42</u> is/are allowed.

6)☒ Claim(s) <u>1-4, 9, 16-19, 30-33, 38-41 and 43</u> is/are rejected.

7)☒ Claim(s) <u>5-8, 20-23 and 34-37</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>17 November 2005</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

KAMBIZ ZAND
PRIMARY EXAMINER
KA
PRIM.   ER

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   The text of those sections of Title 35,U.S.Code not included in this section can be

found in the prior office action.

2.   The prior office actions are incorporated herein by reference. In particular, the

observations with respect to claim language, and response to previously presented

arguments.

3.   Claims 1, 2, 10, 11, 41, and 42 have been amended.

4.   New claim 43 has been added.

5.   Claims 1-43 are pending.

Response to Arguments

6.   Applicant's arguments with respect to claims 5, 20 and 34 on page 14 of

applicant's response are persuasive and the rejection of the claims 5, 20 and 34 has

been withdrawn.

7.   Applicant's arguments with respect to the claims have been considered but they

are not persuasive for the following reasons:

        a) paragraph 1 and 2 of the page 13 of applicant's response only describe

applicant's interpretation of the Rivest reference.

        b) As per applicant's arguments with respect to paragraph 3 of the page 13 of the

response that Rivest fails to disclose "storing the provided insertion data", examiner

again refers applicant to page 1 and 2 where chaff as fake data that corresponds to

applicant's insertion data being <u>stored in order</u>. Examiner further refers applicant to the

basic of computer architecture that any manipulation of data is being done by storing

either permanently or temporarily on either memory (i.e. ROM, RAM, EPROM, etc.) or

storage device (i.e. hard disk, etc.) which one of ordinary skilled in the art would

recognize. Furthermore once the chaff is inserted as fake data, then it is part of overall

data that is being stored (permanently, or temporarily). Furthermore data that is being

received or manipulated within a stand alone computer or computing device have to be

fetched (if received) or being generated internally. In all those cases they are stored,

having being tagged by memory addresses. Also the act of storing is not the invention

applicant claiming since the act of storing any kind of data finds its validity since the first

computing device was invented.

Examiner suggests the arguments or amendments be related to the concept of

the invention, which may be an inventive step (and not a novelty) over prior art if any.

8.   Applicant's arguments with respect to the claim 43 have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

9.   **Claims 1-4, 9, 16-19, 30-33, and 38-41** are rejected under 35 U.S.C. 102(b) as

being anticipated by Rivest (Chaffing and winnowing: confidentiality without encryption,

24 April 1998) cited in the IDS by Applicant.

Examiner has pointed out particular references contained in the prior arts of record in the body

of this action for the convenience of the applicant. Although the specified citations are

representative of the teachings in the art and are applied to the specific limitations within the

individual claim, other passages and figures may apply as well. Applicant should consider the

entire prior art as applicable as to the limitations of the claims. It is respectfully requested from

the applicant, in preparing the response, to consider fully the entire references as potentially

teaching all or part of the claimed invention, as well as the context of the passage as taught by

the prior arts or disclosed by the examiner.

As per claims 1, 16, 30 Rivest teaches a method, apparatus and an storage medium

for facilitating prevention of interception of incoming data that is provided for an

execution software application, comprising: preventing interception of the incoming

data, by providing non-key based insertion data for insertion as part of the incoming

data (see page 1 where examiner consider "chaff" corresponding to Applicant's insertion

data which is fake data as disclosed on page 2); storing the generated insertion data;

and filtering received incoming data containing actual data and the insertion data (see

page 1 and page 2) by comparing stored generated insertion data with incoming data to

determine which data is actual data (see page 2 where it disclose filtering packet data

that includes chaff as a fake insertion data; it is stored order as disclosed on page 2;

also see authentication where examiner considers act of authentication as a

comparison action; and where examiner considers the "original message" as

corresponding to Applicant's actual data).

As per claims 2, 17 and 31 Rivest teach the method, apparatus and storage medium

of claims 1, 16 and 30 including processing the actual data resultant from filtering for

use by the software application (see page 2 and 3).

As per claims 3, 18 and 32 Rivest teach the method, apparatus and storage medium

of claims 1, 16 and 30 including receiving the generated insertion data and actual data

from a data input source; and queuing the insertion data with actual data for output as

the incoming data (see page 2 and 3).

As per claims 4, 19 and 33 Rivest teach the method, apparatus and storage medium

of claims 1, 16 and 30 including analyzing foreground indication data and enabling

generation of the insertion data in response to the foreground indication data (see

pages 3 and 4).

As per claim 9 Rivest the method of claim 1 wherein providing includes: providing the

insertion data, under control of the software application that is to receive the incoming

data (see pages 3-7).

As per claims 38-40 Rivest discloses the insertion data as fake data (see page 2 and 3

where examiner considers the chaff as the fake data inserted to the original message

that was broken into packets).

As per claim 41 Rivest teaches a method, apparatus and an storage medium for

facilitating prevention of interception of incoming data that is provided for a software

application, comprising: preventing interception of the incoming data, by providing non-

key based insertion data for insertion as part of the incoming data (see page 1 where

examiner consider "chaff" corresponding to Applicant's insertion data which is fake data

as disclosed on page 2); storing the generated insertion data; and filtering received

incoming data containing actual data and the insertion data (see page 1 and page 2) by

comparing stored generated insertion data with incoming data to determine which data

is actual data (see page 2 where it disclose filtering packet data that includes chaff as a

fake insertion data; it is stored order as disclosed on page 2; also see authentication

where examiner considers act of authentication as a comparison action; and where

examiner considers the "original message" as corresponding to Applicant's actual data),

wherein providing includes: providing the insertion data, under control of the software

application that is to receive the incoming data (see pages 3-7).

Claim Rejections - 35 USC § 103

As per claim 43 Rivest teaches a method, apparatus and an storage medium for

facilitating prevention of interception of incoming data that is provided for a software

application, comprising: preventing interception of the incoming data, by providing non-

key based insertion data for insertion as part of the incoming data (see page 1 where

examiner consider "chaff" corresponding to Applicant's insertion data which is fake data

as disclosed on page 2); storing the generated insertion data; and filtering received

incoming data containing actual data and the insertion data (see page 1 and page 2) by

comparing stored generated insertion data with incoming data to determine which data

is actual data (see page 2 where it disclose filtering packet data that includes chaff as a

fake insertion data; it is stored order as disclosed on page 2; also see authentication

where examiner considers act of authentication as a comparison action; and where

examiner considers the "original message" as corresponding to Applicant's actual data),

wherein providing includes: providing the insertion data, under control of the software

application that is to receive the incoming data (see pages 3-7), although Rivest do not

explicitly disclose the above operation is being done by keystroke but one of ordinary

skilled in the art would recognize that manipulation of data is being done by using a

keyboard in combination of other input devices, and therefore one of ordinary skilled in

the art would recognize that keystroking are part of the inputting data in a computing

device and well known in the art.

Allowable Subject Matter

10.   Claims 10-15, 24-29 and 42 are allowed.

11.   Claims 5-8, 20-23 and 34-37 are objected to as being dependent upon a rejected

base claim, but would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims.

Conclusion

12.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

13.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kambiz Zand whose telephone number is (571) 272-

3811. The examiner can normally reached on Monday-Thursday (8:00-5:00). If attempts

to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Gilberto Barron can be reached on (571) 272-3799. The fax phone numbers for the

organization where this application or proceeding is assigned as (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

KAMBIZ ZAND
PRIMARY EXAMINER

01/03/2007

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